

"Baby Judges School" Jump Starts Learning Process

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DISCUSSING THE JOB: "Baby Judges School" faculty member Judge Kathryn Hayden (D. N.J.) (front left) listens to a point Judge Stephen Robinson (S.D. N.Y.) (front right) raises for fellow students in a breakout session. The topic under discussion was civil case management. Judge Robinson advised, "Think of yourself as the mom or pop of a mom-and-pop store." Judge Hayden told students that a judge's approach to certain proceedings "depends on your personality, the way you practiced law, the way you are."

Amid extensive lectures and small-group discussions on such topics as scientific evidence, civil rights litigation, and case management, came this impromptu nugget of practical advice: "Smile at the jurors. They're under a lot of stress."

Welcome to the Phase II Orientation Seminar for Newly Appointed District Judges, affectionately known throughout the federal Judiciary as "Baby Judges School."

The 27 members of the Class of 2005 who gathered in Washington in April for a everyday session were told, as it began, that their life-tenured job is a perpetual learning process. A four-hour lecture on federal court jurisdiction followed immediately.

"We're constantly tinkering with the program," John Cooke, director of the Federal Judicial Center's Educational Division, told the judges later that week. "Our resources are limited but our desire to help you is not. I hope you found this valuable."

The judges, who previously had gathered in smaller groups for a Phase I session devoted primarily to civil and criminal pretrial and trial procedure, sentencing, and judicial ethics, seemed satisfied.

"To call this two-part seminar for new judges worthwhile is to undersell it," said Judge Gene E.K. Pratter (E. D. Pa.), on the bench since June 16, 2004. "I cannot imagine taking on such a multifaceted responsibility as becoming a federal district judge without having such classes and materials available," she said.

The FJC, created by Congress in 1967, and the Administrative Office (AO) have worked together for decades to provide educational opportunities to judges of all experience levels. The Baby Judges School, usually conducted once a year at the Thurgood Marshall Federal Judiciary Building in the nation's capital, is the launching pad for such efforts.

"The program is essential because we each have strengths and weaknesses in the various areas of the law, and this program effectively allows each of us to make up the gaps in those areas, or improve in other areas where we have more experience," said Judge Kenneth Karas, who has served the Southern District of New York since June 13, 2004.

"There are administrative features of the program that could not be as effectively taught if we were not all in one room together," he said.

At precisely 8:30 a.m. on Day One for the Class of 2005, the FJC's Mary Kelley rang a hand-held school bell. The 27 judges were welcomed by a colleague, Judge Barbara Rothstein (W. D. Wash.), on leave from her judicial duties while she serves as director of the FJC. She congratulated them on their appointments—"to what I'm sure you will find to be one of the best jobs in the world. You're always learning something new. That's why it's so great," she said.

Judge Rothstein introduced James Wagstaffe, a practicing lawyer and adjunct law professor at the University of California, Hastings College of the Law, who, as his students followed along from his printed outline and took notes, lectured about federal court jurisdiction. It was the first of 18 academic sessions, varying in length from four hours to 30 minutes.

On Day Two, Representative Adam Schiff (D-CA.), co-founder of the Congressional Caucus on the Judicial Branch, told the judges that the relationship between the legislative and judicial branches has "reached a low ebb."

He advised them, "Don't let your congressional ties atrophy," and called the lack of public and congressional awareness about judges' jobs "a very serious challenge to the independence of the courts." The judges responded with numerous questions for Schiff.

During a panel discussion on sentencing guidelines on Day Three, Judge Ricardo Hinojosa of the Southern District of Texas, who chairs the U.S. Sentencing Commission, called sentencing "the most difficult part of what we do."

Fellow panelist Judge Charles Breyer (N.D. Calif.) described accepting guilty pleas as "the most serious thing you're going to do as a judge," and reminded his audience that they can only revise a criminal sentence, once imposed, for clerical errors.

"There's no such thing as judicial remorse, no such thing as sentencing remorse. You have to live with yourself. It's your decision; not someone else's to make," Breyer said, as many in the room nodded in agreement.

Later during Day Three, the judges left the FJC auditorium that serves as the school's main venue and separated into breakout groups to discuss civil case management.

Across the hall in Classroom B, faculty member Judge Katharine Hayden (D. N.J.) handed out CD-ROMs that contained model orders she had developed, and led a comparative discussion on how judges handle certain phases of a case and employ home computers to stay up with office work. She urged the new judges to take an AO-offered computer training course in San Antonio, Texas.

At one point, Judge Stephen Robinson (S.D. N.Y.) told his fellow students, "Think of yourself as the mom or pop of a mom-and-pop store."

Later, Judge Hayden surveyed the group on how each handles summary judgment motions, asking who preferred oral argument. A judge's approach, she said, "depends on your personality, the way you practiced law, the way you are."

In Classroom C, faculty member Judge D. Brock Hornby (D. Me) was discussing jury selection and peremptory challenges when he offered the advice about smiling at jurors. Judge Keith

Starrett, serving the Southern District of Mississippi since December 13, 2004, suggested that his classmates consider letting jurors ask the judge questions after a trial is completed.

He added that certificates of appreciation also could be given to those who served as jurors.

On Day Five, Cooke elicited appreciative chuckles as he introduced the last lecture, on federal habeas corpus, by stating: "This is how we get you out of here."

The lecture by law professor Ira Robbins of American University, a Baby Judges School faculty member for 23 years, sparked a rich discussion among his students. He nonetheless was able to end the three-hour session two minutes early. School was out at 11:28 a.m.

Class of 2005 members say they will remember their school ties.

"We all have a shared experience of being brand-new to something that is somewhat unforgiving of novices," Karas said. "So, we naturally found comfort in sharing our efforts to get up the learning curve of this new job."

Judge Dora Irizarry, serving the Eastern District of New York since August 30, 2004, added: "There is definitely bonding that goes on, a real camaraderie that develops. I certainly do hope that the friendships that were formed during the training program continue throughout our lifetime."

Judge Michael Watson, who joined the Southern District of Ohio on October 1, 2004, said, "The five-day experience was an excellent one. The faculty was terrific; each lecturer was able to hold the attention of a roomful of people."

He added, "I especially enjoyed the intellectual property session because I have a number of patent cases on my docket. I got a lot of good ideas."

Irizarry was as enthusiastic. "These are fabulous programs whose benefits are immeasurable and should be repeated," she said. "The faculty was outstanding, and the materials we received were very useful, both in following along and once I returned to chambers. Indeed, both my legal staff and I have had a few occasions to go back to the materials as a frame of reference."

Newly appointed magistrate judges and bankruptcy judges are invited to similar FJC programs each year. The FJC offers no similar program for federal appellate judges because of the comparatively small number of judges appointed in any given year, but offers to pay for those jurists to attend a program hosted annually by New York University School of Law for any new federal and state appellate judges. Cooke estimated that about one-fourth of all federal appellate judges have taken the NYU course.

The Education Continues

Mary Kelley, senior judicial education attorney at the Federal Judicial Center, and program assistant Trudy Walter, hold just a few of the instructional materials judges will use while enrolled in the FJC's "Baby Judges" school. The school bell, a gift of Chief Bankruptcy Judge Barry Russell (C.D. Calif.), traditionally is rung at the beginning of all sessions.

When it comes to training for judges, Baby Judges School is only the beginning. The FJC also conducts two national, general-purpose workshops each year for magistrate and bankruptcy

judges, both lasting three days. Three national workshops for district judges are held in even-numbered years. Up to 250 judges participate in each.

Circuit-based workshops for circuit and district judges are held in odd-numbered years, and, on occasion, judges from two circuits will join in one workshop. The curriculum is driven, in part, by what topics are of concern in a particular circuit.

In addition, the FJC sponsors eight to 10 smaller, seminar-type programs each year. A smaller student body—30 to 35 judges—allows for what Cooke called "more give and take with the faculty."

Many of these seminars are put on in coordination with a law school, to aid in securing a faculty and keep costs down. "In these very tight budget times, I continue to believe that bringing judges together for education, especially with our stringent cost monitoring, is a sound investment with many dividends," FJC Director Rothstein said.

As part of its cost-saving efforts, the FJC makes many of its publications available online at www.fjc.gov. Perhaps its best-known written product is the Reference Manual of Scientific Evidence, which was first published in 1994 and is now undergoing its third update.

Over 70 percent of the FJC's \$21.5 million budget for fiscal year 2005 is devoted to education, with about \$4.5 million spent directly on travel for faculty and participants at programs.

"We keep our ears to the ground, and work constantly with judges to provide relevant programs," Cooke said. An example, he said, is a technology and access to court documents program that the FJC designed and presented in Washington in August. Bankruptcy judges who participate learned about best practices from judges and members of the AO Information Technology staff.

"That program stems from a request by the Judicial Conference Committee on the Administration of the Bankruptcy System," Cooke said.

Most federal judges choose to attend at least one FJC-sponsored workshop each year. The chief judges of the 94 district courts are invited to a two-day meeting in Washington each year to attend lectures and discussions co-sponsored by the FJC and the AO's Office of Judges Programs.

"This meeting presents a unique opportunity for chief district judges to meet and confer about the myriad of issues facing them on the changing judicial landscape," said Chief Judge Stephen McNamee (D. Ariz.).

"While many of the issues pose similar challenges to all judges, they manifest themselves differently in each district," he said. "For these reasons, updates and small-group discussions—coupled with the impromptu hallway discussions—are the most relevant and useful. These personal meetings allow new chief district judges to develop friendships and networks that are fundamentally important in approaching and resolving the daily administrative challenges they face."

Commenting on the chief judges' gathering that took place in April, Chief Judge Robert Holmes Bell (W. D. Mich.) said, "I thought it went extremely well. I must admit I was a district judge for 14 years before becoming a chief judge, and even then wasn't prepared for the vast array of unique responsibilities the chief judgeship entails."

He added: “Being a judge is a continuing education experience, made better by the excellent FJC and AO programs judges can attend.”